

21 C.J.S. Courts § 81

Corpus Juris Secundum | May 2023 Update

Courts

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II. Jurisdiction of Courts

G. Discretion of Court to Exercise or Decline Jurisdiction

1. General Considerations

§ 81. Abstention as basis of court's discretion to decline exercise of jurisdiction

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

West's Key Number Digest, [Courts](#)  28.5(2)

In matters properly before the court and within its jurisdiction, the court may exercise discretion to abstain from the exercise of jurisdiction.

The court's general discretion to decline the exercise of jurisdiction in a matter otherwise properly before the court¹ includes the court's power to abstain from the exercise of jurisdiction,² which is not really a question of the existence of jurisdiction but rather one of discretion in the exercise of jurisdiction.³

One basis of jurisdictional abstention is under the "political question doctrine," as when it is demonstrable that the matter in question is committed to the political branches, or when there is an unusual need for unquestioning adherence to a political decision already made.⁴ The political question doctrine provides a narrow exception limiting the justiciable character of cases that revolve around policy choices and value determinations constitutionally committed for resolution to the legislative and executive branches.⁵

Under the equitable abstention doctrine, a court may exercise its discretion to abstain from the exercise of its jurisdiction in an action seeking equitable remedies and involving complex economic policies best handled by legislative or administrative action or if the relief sought is unnecessarily burdensome for the court given the availability of other means of redress.⁶ Equitable abstention does not reach cases when the relief sought is in the nature of an award of damages.⁷

State courts may also abstain when federal enforcement of the subject law would be preferable in certain respects,⁸ or when another state has expressed a substantially stronger sovereignty interest and that state's courts will take jurisdiction,⁹ or when an action under the law of another state is contrary to the law of the forum or would impose a penal liability.¹⁰

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Footnotes

- 1 § 80.
- 2 Cal.—*Shuts v. Covenant Holdco LLC*, 208 Cal. App. 4th 609, 145 Cal. Rptr. 3d 709 (1st Dist. 2012).

Ill.—*Todt v. Ameritech Corp.*, 327 Ill. App. 3d 359, 261 Ill. Dec. 419, 763 N.E.2d 389 (5th Dist. 2002).

Mont.—*Confederated Salish and Kootenai Tribes v. Clinch*, 2007 MT 63, 336 Mont. 302, 158 P.3d 377 (2007) (overruled on other grounds by, *In re Estate of Big Spring*, 2011 MT 109, 360 Mont. 370, 255 P.3d 121 (2011)).

N.M.—*Zavala v. El Paso County Hospital District*, 143 N.M. 36, 2007-NMCA-149, 172 P.3d 173 (Ct. App. 2007).

Tex.—*Coca-Cola Co. v. Harmar Bottling Co.*, 218 S.W.3d 671 (Tex. 2006).

As to abstention by federal courts for reference to state courts, see C.J.S., Federal Courts §§ 51 to 88.
- 3 Ill.—*Todt v. Ameritech Corp.*, 327 Ill. App. 3d 359, 261 Ill. Dec. 419, 763 N.E.2d 389 (5th Dist. 2002).

Decline or postpone exercise of jurisdiction
Mont.—*Confederated Salish and Kootenai Tribes v. Clinch*, 2007 MT 63, 336 Mont. 302, 158 P.3d 377 (2007) (overruled on other grounds by, *In re Estate of Big Spring*, 2011 MT 109, 360 Mont. 370, 255 P.3d 121 (2011)).
- 4 Pa.—*Hospital & Healthsystem Ass'n of Pa. v. Com.*, 621 Pa. 260, 77 A.3d 587 (2013).
- 5 Nev.—*N. Lake Tahoe Fire v. Washoe Cnty. Comm'rs*, 310 P.3d 583, 129 Nev. Adv. Op. No. 72 (Nev. 2013).
- 6 Cal.—*Hambrick v. Healthcare Partners Medical Group, Inc.*, 238 Cal. App. 4th 124, 189 Cal. Rptr. 3d 31 (2d Dist. 2015), review denied, (Sept. 30, 2015).
- 7 Cal.—*Shuts v. Covenant Holdco LLC*, 208 Cal. App. 4th 609, 145 Cal. Rptr. 3d 709 (1st Dist. 2012).
- 8 Cal.—*Blue Cross of California, Inc. v. Superior Court*, 180 Cal. App. 4th 1237, 102 Cal. Rptr. 3d 615 (2d Dist. 2009), as modified on denial of reh'g, (Jan. 12, 2010).

Ill.—*Prairie Production Credit Ass'n v. Bianucci*, 234 Ill. App. 3d 1072, 175 Ill. Dec. 592, 600 N.E.2d 523 (4th Dist. 1992), reh'g denied and opinion modified on other grounds, (Oct. 14, 1992).

R.I.—*Nationwide Life Ins. Co. v. Annarino*, 727 A.2d 200 (R.I. 1999).
- 9 N.M.—*Zavala v. El Paso County Hospital District*, 143 N.M. 36, 2007-NMCA-149, 172 P.3d 173 (Ct. App. 2007).
- 10 Tex.—*Coca-Cola Co. v. Harmar Bottling Co.*, 218 S.W.3d 671 (Tex. 2006).

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